

CITY OF WEST DES MOINES PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: July 20, 2015

Item: Eldorado Estates, 1450 S. Jordan Creek Parkway – Rezone the property from Residential Estate (RE) to Planned Unit Development (PUD) establishing the Eldorado Estates PUD – Chayse Holdings, LLC - ZC-002700-2015

Requested Action: Approval of a rezoning request to establish the Eldorado Estates PUD

Case Advisor: Brian S. Portz, AICP, Planner **BP**

Applicant's Request: The applicant, Chayse Holdings, LLC, is requesting to rezone the property from Residential Estate (RE) to Planned Unit Development (PUD) and establish the Eldorado Estates PUD on approximately 36 acres. The subject property is a very heavily wooded site and in order to preserve as much trees as possible on the site, the applicant is proposing to reduce the front yard setbacks to 35' instead of the 50' front yard setback required in an RE district. This will allow the homes to be located closer to the street and therefore preserving more of the trees on each site.

History: The property is undeveloped. The property was annexed into the City in 2003. In 2013, the property was consistency zoned to the Comprehensive Plan Land Use from unzoned to Residential Estate (RE-1A) zoning on the PUD subject property. In May 2014, a similar rezoning was approved by the City Council for the far western area of the property owned at that time by Robert Etzel. In September 2014, the property was platted as a part of the Roger's Farm Final Plat.

City Council Subcommittee: The request to establish the Eldorado Estates Planned Unit Development was reviewed by the Development and Planning City Council Subcommittee on May 7, 2015. The Subcommittee was supportive of the request for a Planned Unit Development.

Staff Review and Comment: There are no outstanding issues. Staff notes the following:

- **Street Connection to South Property:** In order to provide a future full access to Jordan Creek Parkway for the property south of the applicant's property, the applicant is proposing a street connection to that property from the street through the applicant's property. It has not yet been determined whether this connection will be the dedication of right-of-way or granting of an access easement to the south property. This will be determined during the platting of the property.
- **Buffer along S. Jordan Creek Parkway:** The applicant is proposing a 30' landscape buffer along the west PUD boundary adjacent to S. Jordan Creek Parkway. This buffer is not required, but is being proposed by the applicant to limit the impacts of S. Jordan Creek Parkway on the lots directly adjacent to the street. The buffer will be planted by the applicant and will be maintained by the homeowner's association that will be created for the development.

Comprehensive Plan Consistency: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

Noticing Information: On July 10, 2015, notice of the July 20, 2015, Plan and Zoning Commission and July 27, 2015, City Council public hearings was published in the *Des Moines Register*. Notice of this public hearing also was mailed to all surrounding property owners within 370 feet of the subject property on July 9, 2015.

Staff Recommendations and Conditions of Approval: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends that the Plan and Zoning Commission adopt a resolution

recommending the City Council approve a rezoning request from Residential Estate (RE-1A) to Planned Unit Development (PUD) and establish the Eldorado Estates PUD, subject to the applicant meeting all City Code requirements.

Owner/Applicant

Chayse Holdings, LLC
773 NE 47th Place
Des Moines, IA 50313
toby@priorityexc.com

Applicant Representative:

Trost Development
13503 Village Court
Clive, IA
Mark Trost
Mark@trostdevelopment.com

Attachments:

- | | | |
|--------------|---|---------------------------------------|
| Attachment A | - | Plan and Zoning Commission Resolution |
| Exhibit A | - | Conditions of Approval |
| Exhibit B | - | Location Map |
| Exhibit C | - | Proposed PUD Ordinance |

RESOLUTION NO. PZC-

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY OF WEST DES MOINES TO CHANGE THE ZONING DESIGNATION FROM RESIDENTIAL ESTATE (RE-1A) TO PLANNED UNIT DEVELOPMENT (PUD) AND APPROVE AN ORDINANCE ESTABLISHING THE ELDORADO ESTATES PUD

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Chayse Holdings, LLC, has requested approval of a rezoning from Residential Estate (RE-1A) to Planned Unit Development (PUD) and to establish the Eldorado Estates PUD, for the parcel being legally described as:

Legal Description

LOT 2, ROGER'S FARM, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on July 20, 2015, this Commission held a duly-noticed meeting to consider the application for a rezoning from Residential Estate (RE-1A) to Planned Unit Development (PUD) and to establish the Eldorado Estates PUD (ZC-002700-2015);

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report for this meeting or as amended orally at the meeting are adopted.

SECTION 2. The rezoning of property from Residential Estate (RE-1A) to Planned Unit Development (PUD) as illustrated in Exhibit B attached to the Plan and Zoning Commission Staff Report is recommended to the City Council for approval, subject to compliance with all conditions in the staff report, including conditions added at the meeting and attached as Exhibit A. Violations of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City;

SECTION 3. The establishment of the Eldorado Estates Planned Unit Development as provided in Exhibit C attached to the Plan and Zoning Commission Staff Report is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report including conditions added at the Hearing, and attached hereto as Exhibit A. Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on July 20, 2015.

Crag Erickson, Chair
Plan and Zoning Commission

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on July 20, 2015, by the following vote:

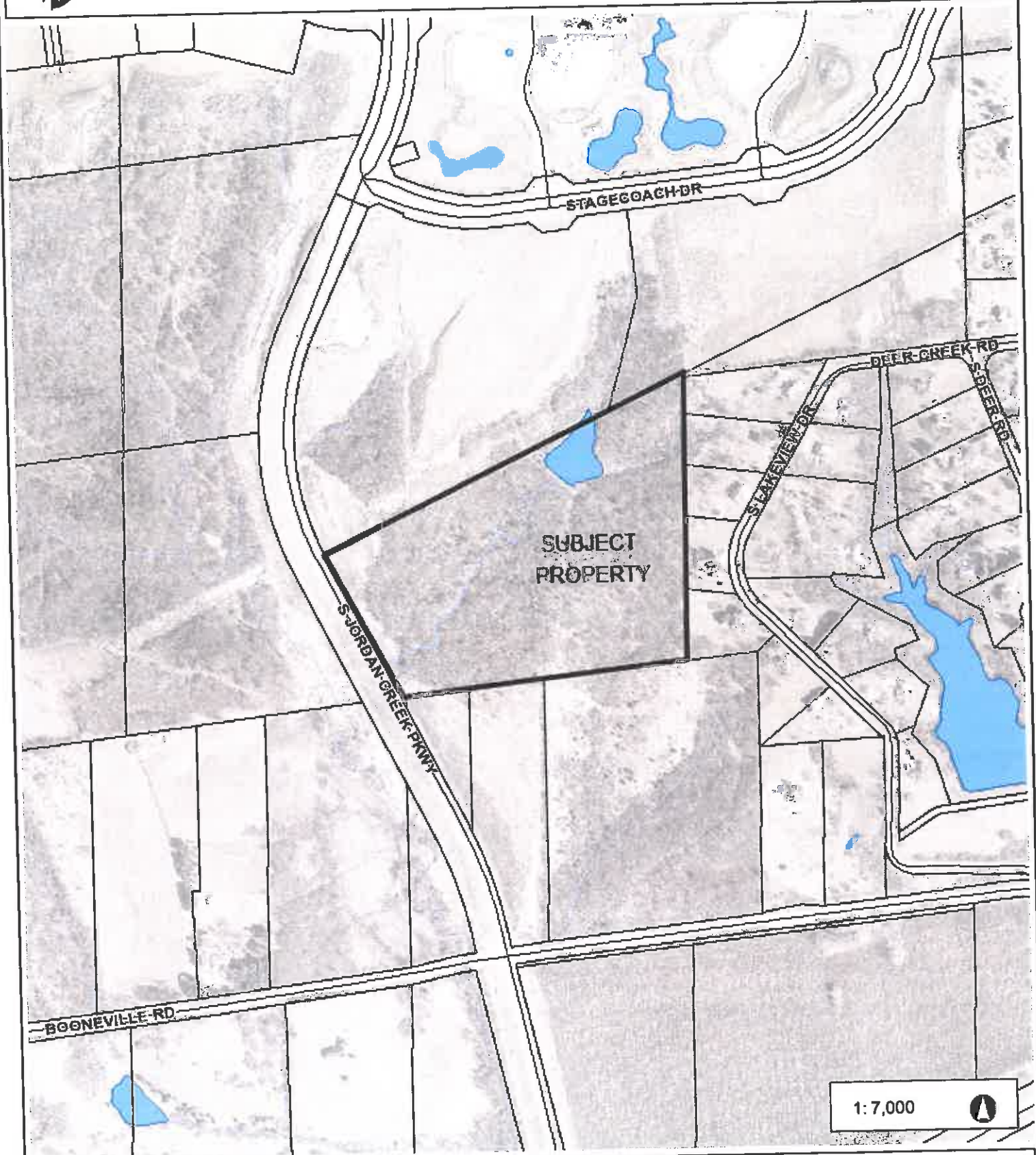
AYES:
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:

Recording Secretary

Exhibit A
CONDITIONS

No Conditions of Approval



1:7,000



1,166.7 0 583.33 1,166.7 Feet

NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet
© City of West Des Moines, Iowa

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Prepared by: B. Portz, Development Services, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265
Return To: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265
Tax Statement: Not Applicable

ORDINANCE # _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 9, ZONING, CHAPTER 9, PLANNED UNIT DEVELOPMENT DISTRICT, PERTAINING TO P.U.D. (PLANNED UNIT DEVELOPMENT) DISTRICT REGULATIONS AND GUIDELINES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1. AMENDMENT: Amend the Zoning Map of the City of West Des Moines, Iowa, by adding the following legally described property from Residential Estate (RE-1A) District to Eldorado Estates Planned Unit Development (PUD) of West Des Moines, Iowa:

Legal Description

LOT 2, ROGER'S FARM, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA. SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD. SAID TRACT OF LAND CONTAINS 35.99 ACRES MORE OR LESS.

SECTION 2. SKETCH PLAN: Attached hereto and made a part of this rezoning approval, for concept description and delineation is the Sketch Plan document for the Eldorado Estates PUD marked Exhibit "A". The Sketch Plan is a graphic representation of the property included in the PUD delineating the approximate location and configuration of the Parcels for the purpose of easier reference for the applicable regulations of this Ordinance. Wherever conflict occurs between the written text in this document and the notations on the Sketch Plan, the written text shall prevail.

SECTION 3. REQUIRED PLANS: Prior to or in conjunction with development or transfer of ownership of any portion of the property covered by this PUD, the following plans shall be required:

- A. Preliminary Plat and Final Plat: The PUD area shall be platted in accordance with the City's Subdivision Ordinance. Parcels created via the Plat-of-Survey process and platted Outlots identified on a plat shall be unbuildable until such time that the plat-of-survey parcel and/or Outlot is re-platted into a developable lot.

SECTION 4. CONDITIONS: Whereas, Title 9, Chapter 9, PUD Planned Unit Development District of the City Code, establishes certain regulations and guidelines pertaining to accompanying information required on plat and site plan documents. Now, therefore, the following conditions, restrictions, and regulations are adopted as part of this approval:

- A. General Conditions: In addition to the PUD Sketch Plan Map, the following general development criteria shall be integrated into and made a part of this planned unit development.
1. General Conformance To Subdivision Ordinance: All subdivisions, public and private streets, public or private street rights-of-way and general development shall adhere to the standards and design criteria set forth in the West Des Moines Subdivision Ordinance and/or established City policies pertaining thereto, unless otherwise stated within this Ordinance.

2. **General Conformance to Zoning Ordinance:** Unless otherwise specified herein, the development of the Eldorado Estates PUD shall comply with the provisions of the West Des Moines Zoning Ordinance.
3. **Flood Hazard:** In all areas within a 100-year frequency flood hazard zone, or adjoining drainage ways, and detention ponding areas involving potential flood hazards, no building shall be erected which has a lowest level floor, including basements, less than one foot (1') above the determined level of the 100-year frequency flood event. Buildings shall not be permitted within twenty five feet (25') of any easement or property boundary of a major drainageway, storm water detention basin or pond unless said location is approved as part of the development entitlement by the city council and said building is structurally designed accordingly.
4. **Developer Responsibilities:** The Developer, their successors and/or assigns, if any, shall pay all planning, engineering, and construction costs for the development of the planned unit development, as required by this Ordinance and approved site plans. Developer shall be responsible for cost of all streets, storm sewers, sanitary sewers, drainageway improvements, detention basins, water mains, buffers and other improvements as required of the development. Developer shall dedicate appropriate rights-of-way and/or public easements required within the Eldorado Estates PUD, unless otherwise approved by the City Council.
5. **Sanitary Sewer:** Any proposed change in approved land use densities for the PUD will require an analysis of the downstream sanitary sewer capacity to assure that adequate capacity is available for the proposed change in approved land use densities.
6. **Street Connection:** A 60' public ingress/egress easement shall be granted or right-of-way dedicated by the developer from the street within the subject property to provide for future access to the property to the south that fronts onto South Jordan Creek Parkway. The means of access shall be determined with the preliminary plat and final plat for the property.
7. **Street Lighting:** The Developer shall be responsible for all costs associated with the installation of public street lights within or adjacent to any area proposed to be platted or included within a development.
8. **Mailboxes:** The Developer shall be responsible for installation of any required Cluster Box Units (CBUs / mailboxes) as per the local U.S. Postal Service Post Office.
9. **Driveway Locations:** The throat distance of the local street through the property from Jordan Creek Parkway to the first driveway shall be at least 75', measured curb to curb, in order to provide adequate separation of turn movements.

SECTION 5. PARKLAND DEDICATION: An area of land calculated by a set formula based upon the density (total number of dwelling units) of the proposed development is required to be dedicated for purposes of a public park and greenway as per city code. A Parkland Dedication Agreement, acceptable to the Park and Recreation Department, detailing the specifics related to the Parkland Dedication requirements for the development of any area contained within the PUD is required to be submitted. As part of such, a 7.76 acre area of land (not a part of this PUD) located to the south of the Aspire residential development (also known as Outlot Y, Roger's Farm) has been dedicated to the City by the owner of that property on behalf of the Eldorado Estates developer for development as a public park. This park, along with access easements and associated trails on the east and west sides of the Aspire development, will fulfill the dedication requirements for the Roger's Farm subdivision of which the Eldorado Estates PUD is a part.

SECTION 6. MASTER PROPERTY OWNERS ASSOCIATION: If deemed applicable, proper action shall be taken to establish a master property owners association. The Eldorado Estates property owners association shall be responsible for the ongoing upkeep and maintenance of any privately owned common grounds such as buffer parks, storm water detention facilities, greenbelts, plazas and other common space, as outlined in the association documents and any other specific development improvements noted as their responsibility in this ordinance.

SECTION 7. LANDSCAPING: Buffering between districts or parcels and uses shall be required as set forth in Title 9, Chapter 5 and Chapter 19 of the Zoning Ordinance, except as noted otherwise in this Ordinance.

1. There shall be a 30' wide buffer park easement along the South Jordan Creek Parkway frontage of the development. The equivalent of one (1) overstory or upright evergreen tree, two (2) understory trees and six (6) shrubs for every thirty-five (35) linear feet of buffer length shall be provided.

A minimum of 50% of the required number of trees within the buffer park shall be evergreen. At the time of planting, overstory trees shall have a minimum trunk diameter of 2"; understory trees shall have a minimum trunk diameter of 1½"; and evergreens shall be a minimum of 6' in height. Shrub height at time of planting

varies according to the anticipated mature size of the plant. In general, the taller the shrub at maturity the larger the plant size at time of planting. The location of the required landscaping (trees, shrubs, etc.) may be planted in any location along the berm.

2. Trees that will encroach into any vehicle or pedestrian use area or travel lane shall be of a variety that will accommodate pruning to allow for the minimum clearance height (fourteen feet (14') over vehicle travel lanes; eight feet (8') over pedestrian travel lanes) without adversely affecting the overall natural shape of the variety. Maintaining trees to these clearance levels is the responsibility of the property owner.
3. Trees shall not be planted closer than five feet (5') to a sidewalk as measured from the center of the tree or shrub base.
4. No vegetation which obstructs visibility shall be located within the site triangle of intersecting streets and drives.

SECTION 8. ARCHITECTURE: The intent is to create building designs throughout this development that are varied and articulated to provide visual interest and appropriate context for the natural character of the surrounding area along with appropriate scale for the pedestrian elements of a residential development. Architectural design for single family units shall accomplish this by careful attention to the use of exterior building materials and details, locations of windows and doors, and change in building mass within the plan and roof design. Care should be taken in the design of the building to keep grading and tree removal to a minimum.

Homes shall use materials such as brick, stone, vertical or lap siding, shakes and stucco, combining materials along with trim and details to present a mix of residential architectural styles within the development. Use of natural materials is encouraged, composite materials such as fiber cement and wood composites are appropriate substitutions. Vinyl siding may be used only with appropriately scaled trim and not as the majority cladding material. All material, trim and details for a building shall be designed appropriately for chosen architectural style. Materials should change with the change in building planes. Trim and structural elements such as posts or columns shall be sized to the scale of the building. When used, masonry materials shall have the appearance of 3-dimensional elements.

Visible garages shall not encompass more than 50% of the street façade of the building. Garages may be turned to reduce visibility of the garages. Appropriate architectural detailing shall be incorporated into the visible side wall of a garage parallel to the street so as to enhance the architecture and minimize indication that it is garage versus house. Detached garages or accessory structures should incorporate architectural details of the primary building with the use of roof forms, windows, doors and other facade detailing.

SECTION 9. LAND USE DESIGN CRITERIA: In addition to the general criteria as stated above, the following land use regulations, development standards, and design criteria shall apply to the development of all areas designated on the Sketch Plan:

Lots 1 – 14: All general use regulations and provisions set forth in Title 9, Zoning of the West Des Moines City Code for Residential Estate (RE-1A) shall apply to any development proposal for the property, unless noted otherwise in this ordinance.

1. The minimum lot size permitted in this development shall be 40,000 square feet with a maximum of 14 lots.
2. Minimum lot width shall be no less than 100' as measured at the front building setback line.
3. Building height shall be in accordance with the requirements for the Residential Estate zoning district as set forth in Title 9, Chapter 7.
4. Building Setbacks: Setbacks for all residential development shall be as follows:
 - a. Front Yard: 35' setback along the internal street within the development. Building shall be set as close to the 35' setback line as possible so as to preserve as many trees as possible and minimize grading of the site.
 - b. Rear Yard: 50'
 - c. Side Yard: 20' as measured to the closest element of the building.
 - d. Setback along Jordan Creek Parkway shall be a minimum of 50'
 - e. Detached accessory structures shall not be located in the front yard and shall maintain a minimum 20' setback from side and rear property lines.
5. Homes within the Eldorado Estates PUD that are 8,000 square feet or larger must be fire sprinklered according to the West Des Moines Fire Code. Homes on lots 4, 5, 6, 7, 8, 9, & 10 shall be fire sprinklered regardless of size of the dwelling structure, since the homes on those lots will be greater than 750' from the eastern edge of Jordan Creek Parkway. If any portion of the home on lot 3 is 750' or greater from the eastern

curb line of Jordan Creek Parkway, it shall also be fire sprinklered regardless of the size of the dwelling structure. The distance from Jordan Creek Parkway to the dwelling structure shall be determined by the City Fire Marshal.

SECTION 10. SIGNAGE REGULATION: Signage shall comply with all provisions and standards of Title 9, Chapter 18 for the Residential Estate (RE) Zoning District.

SECTION 11. STORM WATER MANAGEMENT: A Storm Water Management Plan will be required with the platting of this property. The Developer will have said Storm Water Management Plan prepared by a Professional Engineer licensed in the State of Iowa, in conjunction with the submittal of a preliminary plat for the development of the property. The Storm Water Management Plan shall comply with the City's current design standards for storm water management. The method of storm water management and the storm water conveyance system shall be determined prior to City approval of a preliminary plat.

At time of platting, ownership and responsibility for all storm water detention areas and private storm water detention outlet structures will need to be established through the execution of a Storm Water Facility Maintenance Agreement.

SECTION 12. PUBLIC IMPROVEMENTS AND RIGHT-OF-WAY DEDICATION: The developer shall be responsible for constructing and/or installing the public infrastructure necessary to support development within the subdivision in a manner that will assure that the public infrastructure functions at an acceptable level of service (per the City's Comprehensive Plan) and that it complies with all City Ordinances. At the time of subdivision platting into developable lots, the subdivider shall provide the necessary surety or city acceptable agreements to provide for the construction and/or installation of all required public infrastructure improvements in accordance with the City's Subdivision Ordinance.

Right-of-way for the street(s) that serves homes in the development will be required to be conveyed prior to or in conjunction with the final platting of the property into developable lots. Right-of-way requirements for this street shall be 60 feet plus a 55 foot radius cul-de-sac turnaround at the end of the roadway.

SECTION 13. TRAFFIC REPORTS: A Traffic Impact Study (Traffic Report) dated June 12, 2015, has been prepared by the City of West Des Moines for Eldorado Estates. The Traffic Report caps the traffic generated from this PUD at 343 average daily trips, 27 AM peak hour trips and 36 PM peak hour trips. The Traffic Report, along with previous studies for the area, outlines the ultimate geometry for the major roadways in the vicinity of the Eldorado Estates development. Once the subject property is platted into residential lots, an additional traffic study may be required to confirm that the proposed subdivision plat is consistent with the number of lots and traffic to be generated anticipated with the June 12, 2015 study.

SECTION 14. SAVINGS CLAUSE: If any section, provision, sentence, clause, phrase or part of the Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 15. EFFECTIVE DATE: This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council on this ____ day of _____, 2015.

Steven K. Gaer, Mayor

ATTEST:

Ryan T. Jacobson, City Clerk

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 2015.

Ryan T. Jacobson, City Clerk